

**United States Bankruptcy Court**  
**NORTHERN DISTRICT OF OHIO**

2009 Feb 05 PM 04:20

CLERK U.S. BANKRUPTCY COURT

|   |  |   |  |
|---|--|---|--|
| Name of Debtor (if individual, enter Last, First, Middle):<br><b>McQuaid Distributing &amp; Marketing, Inc.,<br/>a Corporation</b>    |  | Name of Joint Debtor (Spouse)(Last, First, Middle):<br>NORTHERN DISTRICT OF OHIO                                    |  |
| All Other Names used by the Debtor in the last 8 years<br>(include married, maiden, and trade names):<br><b>NONE</b>                  |  | All Other Names used by the Joint Debtor in the last 8 years<br>(include married, maiden, and trade names):         |  |
| Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN<br>(if more than one, state all): <b>34-1632476</b> |  | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN<br>(if more than one, state all): |  |
| Street Address of Debtor (No. & Street, City, and State):<br><b>3711 Youngstown Road SE<br/>Warren OH</b>                             |  | Street Address of Joint Debtor (No. & Street, City, and State):   |  |
| ZIP CODE<br><b>44484</b>  |  | ZIP CODE  |  |
| County of Residence or of the<br>Principal Place of Business: <b>Trumbull</b>   |  | County of Residence or of the<br>Principal Place of Business:   |  |
| Mailing Address of Debtor (if different from street address):<br><b>SAME</b>  |  | Mailing Address of Joint Debtor (if different from street address):   |  |
| ZIP CODE  |  | ZIP CODE  |  |
| Location of Principal Assets of Business Debtor<br>(if different from street address above): <b>SAME</b>                              |  | ZIP CODE  |  |

|   |  |  |   |
|---|--|--|---|
| <b>Type of Debtor</b> (Form of organization)<br>(Check one box.)<br><input type="checkbox"/> Individual (includes Joint Debtors)<br><i>See Exhibit D on page 2 of this form.</i><br><input checked="" type="checkbox"/> Corporation (includes LLC and LLP)<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below<br><br> | <b>Nature of Business</b><br>(Check one box.)<br><input type="checkbox"/> Health Care Business<br><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)<br><input type="checkbox"/> Railroad<br><input type="checkbox"/> Stockbroker<br><input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Clearing Bank<br><input checked="" type="checkbox"/> Other   | <b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box)<br><input checked="" type="checkbox"/> Chapter 7<br><input type="checkbox"/> Chapter 9<br><input type="checkbox"/> Chapter 11<br><input type="checkbox"/> Chapter 12<br><input type="checkbox"/> Chapter 13<br><br><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding<br><input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding |   |
|   | <b>Tax-Exempt Entity</b><br>(Check box, if applicable.)<br><input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).  | <b>Nature of Debts</b> (Check one box)<br><input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose"<br><input checked="" type="checkbox"/> Debts are primarily business debts.  | <b>Chapter 11 Debtors:</b><br><b>Check one box:</b><br><input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101(51D).<br><input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).  |
|   | <b>Filing Fee</b> (Check one box)<br><input checked="" type="checkbox"/> Full Filing Fee attached<br><input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.<br><input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B. |  | <b>Check if:</b><br><input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.<br><br><b>Check all applicable boxes:</b><br><input type="checkbox"/> A plan is being filed with this petition<br><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). |

|   |  |                                  |
|---|--|----------------------------------|
| <b>Statistical/Administrative Information</b><br><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.<br><input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.  |  | THIS SPACE IS FOR COURT USE ONLY |
| <b>Estimated Number of Creditors</b><br><input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000  |  |                                  |
| <b>Estimated Assets</b><br><input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$100 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion     |  |                                  |
| <b>Estimated Liabilities</b><br><input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input checked="" type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion |  |                                  |

|   |   |             |
|---|---|-------------|
| <b>Voluntary Petition</b><br><i>(This page must be completed and filed in every case)</i>   | Name of Debtor(s):<br><b>McQuaid Distributing &amp; Marketing, Inc.,</b><br><b>a Corporation</b>  |             |
| <b>All Prior Bankruptcy Cases Filed Within Last 8 Years</b> (If more than two, attach additional sheet)   |   |             |
| Location Where Filed:   | Case Number:  | Date Filed: |
| <b>NONE</b>   |   |             |
| Location Where Filed:   | Case Number:  | Date Filed: |
|   |   |             |
| <b>Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor</b> (If more than one, attach additional sheet)   |   |             |
| Name of Debtor:   | Case Number:  | Date Filed: |
| <b>NONE</b>   |   |             |
| District:   | Relationship:   | Judge:      |
|   |   |             |
| <b>Exhibit A</b><br>(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under Chapter 11)<br><br><input checked="" type="checkbox"/> Exhibit A is attached and made a part of this petition   | <b>Exhibit B</b><br>(To be completed if debtor is an individual whose debts are primarily consumer debts)<br>I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. §342(b).<br><b>X</b><br><div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span>Signature of Attorney for Debtor(s)</span> <span>Date</span> </div> |             |
| <b>Exhibit C</b><br>Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?<br><input type="checkbox"/> Yes, and exhibit C is attached and made a part of this petition.<br><input checked="" type="checkbox"/> No   |   |             |
| <b>Exhibit D</b><br>(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)<br><input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made part of this petition.<br>If this is a joint petition:<br><input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. |   |             |
| <b>Information Regarding the Debtor - Venue</b><br>(Check any applicable box)   |   |             |
| <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.  |   |             |
| <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.  |   |             |
| <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.            |   |             |
| <b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b><br>(Check all applicable boxes.)   |   |             |
| <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)   |   |             |
| _____<br>(Name of landlord that obtained judgment)  |   |             |
| _____<br>(Address of landlord)  |   |             |
| <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and   |   |             |
| <input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.   |   |             |
| <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).  |   |             |

**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):

**McQuaid Distributing & Marketing, Inc.,  
a Corporation****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b)

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (if not represented by attorney)

Date

**Signature of Attorney\***

X

Signature of Attorney for Debtor(s)

**Richard G. Zellers 0011764**

Printed Name of Attorney for Debtor(s)

**Richard G. Zellers & Associates**

Firm Name

Address

**3810 Starrs Centre Drive****Canfield OH 44406****(330) 702-0780**

Telephone Number

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

**Shaukat Sindhu**

Printed Name of Authorized Individual

**Vice President**

Title of Authorized Individual

Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐

I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.

☐

Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

(Signature of Foreign Representative)

(Printed name of Foreign Representative)

(Date)

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X

Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual.

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re *McQuaid Distributing & Marketing, Inc.*  
a Corporation

Case No.  
Chapter 7

\_\_\_\_\_/ Debtor

**STATEMENT REGARDING CORPORATE RESOLUTION**

The undersigned Shaukat Sindhu is Vice President of McQuaid Distributing & Marketing, Inc., a corporation. On 02/03/2009 the following resolution was duly adopted by the the Shareholders of this corporation.

"WHEREAS, it is in the best interests of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 7 of Title 11 of the United States Code:

"NOW, THEREFORE, BE IT RESOLVED, that Shaukat Sindhu, Vice President of this corporation, be and hereby is, authorized and directed to execute and deliver all documents necessary to perfect the filing of a Chapter 7 voluntary bankruptcy case in the United States Bankruptcy Court on behalf of the corporation; and

"BE IT FURTHER RESOLVED, that Shaukat Sindhu, Vice President of this corporation, be and hereby is, authorized and directed to appear in all such bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform any and all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with said bankruptcy proceedings; and

"BE IT FURTHER RESOLVED, that Shaukat Sindhu, Vice President of this corporation, be and hereby is, authorized and directed to employ Richard G. Zellers, Attorney and the law firm of Richard G. Zellers & Associates, to represent the corporation in said bankruptcy proceedings."

**DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION**

I, Shaukat Sindhu, Vice President of the corporation named as debtor in this case, declare under penalty of perjury that I have read the foregoing resolution and it is true and correct to the best of my knowledge, information, and belief.

Date 02/05/2009

Signature



\_\_\_\_\_  
Shaukat Sindhu  
Vice President

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN RE:

McQuaid Distributing & Marketing, Inc., a Corporation

BK NO.

Debtors.

Plaintiff,

v.

AP NO.

Defendant.

CORPORATE OWNERSHIP STATEMENT [RULES 1007(a)(1) & 7007.1]

Pursuant to Federal Rules of Bankruptcy Procedures 1007(a)(1) and 7007.1 and to enable the Judge to evaluate possible disqualification or recusal, the undersigned counsel for McQuaid Distributing & Marketing in the above-captioned action certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's (s') equity interests, **OR** states that there are no entities to report under FRBP 1007(a)(1) or 7007.1:

☒ None [Check if applicable]

02/05/2009

Date



Richard G. Zellers

Bar #: 0011764

Richard G. Zellers & Associates

3810 Starrs Centre Drive

Canfield, OH 44406

(330) 702-0780

Fax:

Counsel for McQuaid Distributing & Marketing, Inc.

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re: McQuaid Distributing & Marketing, Inc., a Corporation

Case No. \_\_\_\_\_  
Chapter 7

Debtor  
\_\_\_\_\_ /

STATEMENT OF DEBTOR REGARDING  
CORPORATE OWNERSHIP

☐ The following entities directly or indirectly own 10% or more of any class of the debtor's equity interest:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

(For additional names, attach an addendum to this form)

☒ There are no entities that directly or indirectly own 10% or more of any class of the debtor's equity interest.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 02/05/2009

/s/ Shaukat Kindhu  
Signature of Authorized Individual  
For Corporation Debtor

Shaukat Kindhu  
Print Name

Vice President

\_\_\_\_\_  
Title

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re: McQuaid Distributing & Marketing, Inc., a Corporation

Case No. \_\_\_\_\_

Chapter 7

Judge \_\_\_\_\_

Debtor(s)

DECLARATION RE: ELECTRONIC  
FILING OF DOCUMENTS AND  
STATEMENT OF SOCIAL SECURITY  
NUMBER

**Part I - Declaration of Petitioner**

I [We] McQuaid Distributing & Marketing, Inc and \_\_\_\_\_, the undersigned debtor(s), **hereby declare under penalty of perjury** that the information I have given my attorney and the information provided in the electronically filed petition, statements, and schedules, as well as in any other documents that must contain original signatures, is true, correct, and complete. I consent to my attorney sending my petition, this declaration, statements, and schedules, and any other documents that must contain original signatures, to the United States Bankruptcy Court. I understand that this DECLARATION RE: ELECTRONIC FILING is to be filed with the Clerk once all schedules have been filed electronically but, in no event, no later than 5 days following the date the petition or other document that must contain original signatures was electronically filed.

I am aware that I may proceed under chapter 7, 11, 12 or 13 of Title 11 of the United States Code, understand the relief available under each chapter, and choose to proceed under the chapter specified in the petition.

I [We] **further declare under penalty of perjury** that [check appropriate box(es)]:

- ☐ The Social Security Number that I, the Debtor, have given to my attorney, which will be submitted to the Court as part of the electronic case opening process, is true, correct, and complete.
- ☐ I, the Debtor, do not have a Social Security Number.
- ☐ The Social Security Number that I, the Joint Debtor, have given to my attorney, which will be submitted to the Court as part of the electronic case opening process, is true, correct, and complete.
- ☐ I, the Joint Debtor, do not have a Social Security Number.

☒ [Check box if petitioner is a corporation or partnership] I declare under penalty of perjury that the information provided in the petition is true, correct, and complete, and that I have been authorized to file the petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in the petition.

Dated: 2-5-09 Signed: Shaukat Sindhur SHAUKAT SINDHU, V. P.  
McQuaid Distributing & Marketing, Inc

**Part II - Declaration of Attorney**

I declare under penalty of perjury that I have reviewed the above debtor's petition and that the information is complete and correct to the best of my knowledge. The debtor(s) will have signed this form before I submit the petition, schedules, and statements, or any other documents that must contain original signatures. I will give the debtor(s) a copy of all forms and information to be filed with the United States Bankruptcy Court, and have followed all other requirements in the most recent exhibit to General Order No. 02-2. I further declare that I have examined the above debtor's petition, schedules, and statements, and any other documents that must contain original signatures, and to the best of my knowledge and belief, they are true, correct, and complete. If an individual, I further declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based on all information of which I have knowledge. I understand that failure to file the signed original of this DECLARATION will cause this case to be dismissed.

Dated: 2-5-09  
Richard G. Zellers Bar #: 0011764  
Richard G. Zellers & Associates  
3810 Starrs Centre Drive  
Canfield, OH 44406